IN THE HIGH COURT OF JUDICATURE FOR RAJASHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5789/2003

AJIJ KHAN & ORS.
Vs.
THE RAJASHAN BOARD OF MUSLIM WAKF & ANR.

DATE: 11.09.2007

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Syed Manzoor Ali for the petitioners.
Mr. Amod Kasliwal for the respondents.

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The petitioners are the 'Khadims' of Dargah Narhar Sharif, District Jhunjhunu. It is not disputed that as per the judgment dated 18.10.58 passed by the District Judge, Jhunjhunu, the ratio of the petitioners share is 44% of the total offer and 56% is spent on the maintenance of Dargah.

It is also not disputed that the litigation is pending between the petitioners and the Board as the petitioners filed a Suit No. 15/1997 for payment of money withhold by the Board and the aforesaid suit was decided in favour of the petitioners vide judgment dated 21.11.98 passed by the Rajasthan Wakf Tribunal, Jaipur.

Against the said judgment dated 21.11.98, the Wakf Board filed a S.B.C.W. Petition No. 1250/2001 in which an interim order dated 03.07.2001 was passed for payment of money belonging to the petitioners.

On 01.04.2002 the petitioners filed a complaint before the Wakf Board regarding misappropriation of the money by President of Wakf Committee and vide order dated 06.04.2002 certain conditions are imposed by the Wakf Board considering the complaint made by the petitioners, but vide order dated 29.05.2002 the Wakf Board without any reason and without giving opportunity of being heard to the petitioners, withdrawn the order dated 06.04.2002.

Aggrieving and dissatisfying with the aforesaid withdrawal order dated 29.05.2002, the present writ petition has been preferred by the petitioners.

Learned counsel appearing for the Wakf Board submits that the Board has withdrawn his earlier order as the Board is not having jurisdiction to pass such order and the Wakf Tribunal is competent authority. He further submits that the petitioner has got alternative efficacious remedy before the Wakf Tribunal.

But both the learned counsels appearing for the respective parties agreed that as per the order

dated 18.10.58 passed by the District Judge, Jhunjhunu in Civil Original Suit No. 7/1956, a scheme has been framed and the respondent Wakf Committee undertakes that as per the scheme framed by the District Judge, Jhunjhunu, they have to maintain the account and record and even otherwise also, they are acting as per the provisions of law.

Since the scheme has already been framed by the District Judge, Jhunjhunu and the Wakf Committee undertakes to act in accordance with the provisions of law and the scheme framed by the District Judge, Jhunjhunu, the conditions which were imposed by the Wakf Board and which have been later on withdrawn, are meaningless.

In view of the observations made herein above, I find no merit in the writ petition as the respondent undertakes to act in accordance with the provisions of law and also in accordance with the scheme framed by the District Judge, Jhunjhunu.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/